

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:15cr25-MHT
	)	(WO)
COURTNEY L. TUBBS	)	

OPINION AND ORDER

This case is before the court on defendant Courtney L. Tubbs's motion for compassionate release.

In the motion, Tubbs does not state whether he has filed an administrative petition for the Bureau of Prisons (BOP) to file a motion on his behalf for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Section 571.61 of BOP Program Statement 5050.50 requires that the prisoner seeking compassionate release (or an attorney or other person on his behalf, see BOP Program Statement 5050.50 § 571.61(b)) submit to the Warden a request for the BOP to file a motion for compassionate release under 18 U.S.C. 3582(c)(1)(A). "An inmate may initiate a request for consideration under 18 U.S.C. 4205(g) or 3582(c)(1)(A) only when there are particularly

extraordinary or compelling circumstances which could not reasonably have been foreseen by the court at the time of sentencing." 5050.50 § 571.61. Also, the request must contain the following information:

"(1) The extraordinary or compelling circumstances that the inmate believes warrant consideration.

"(2) Proposed release plans, including where the inmate will reside, how the inmate will support himself/herself, and, if the basis for the request involves the inmate's health, information on where the inmate will receive medical treatment, and how the inmate will pay for such treatment."

*Id.*

Because Tubbs does not state that he has filed such an administrative petition, the court will deny his motion without prejudice. Tubbs may refile his motion 30 days after the filing of his administrative petition. If Tubbs files a new motion, he should state in the motion the date on which he filed an administrative petition and what response, if any, he received. If possible, he also should submit evidence of his petition and the response.

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Therefore, it is ORDERED that defendant Courtney L. Tubbs's motion for compassionate release (doc. no. 169) is denied without prejudice.

DONE, this the 3rd day of August, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE